

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

IN RE PORK ANTITRUST LITIGATION

This Document Relates To:
ALL ACTIONS

Case No. 0:18-cv-01776-JRT-JFD

**JOINT STATUS REPORT FOR
NOVEMBER 18, 2022 STATUS
CONFERENCE**

Counsel for Direct Purchaser Plaintiffs, Consumer Indirect Purchaser Plaintiffs, and Commercial and Institutional Indirect Purchaser Plaintiffs, the Commonwealth of Puerto Rico, and the Direct Action Plaintiffs (collectively, “Plaintiffs”) and Defendants (collectively, the “Parties”), in the above-captioned consolidated action submit the following status report for the November 18, 2022 status conference.

The Parties will be prepared to address the following topics, in addition to any other item the Court would like to discuss:

1. A case management schedule for merits expert discovery, dispositive motions, and a process for resolving authenticity and admissibility of exhibits.

The Parties have met and conferred about a proposed case management schedule for the next stage of the litigation. They have submitted their competing proposals and will be prepared to discuss those with the Court.

2. MDL Pretrial Order No. 2: Request for Additional Leadership Nominations.

The Direct Action Plaintiffs would like to discuss the Court’s “request[] that the DAPs recommend an attorney to serve as Liaison Counsel who is not currently counselor to any action in this case.” ECF No. 1589.

3. Scheduling of open depositions.

The parties will be prepared to discuss the status of the scheduling of open depositions with the Court as needed.

DATED: November 15, 2022

/s/ Bobby Pouya

Bobby Pouya
Clifford H. Pearson
Daniel L. Warshaw
Michael H. Pearson
PEARSON SIMON & WARSHAW, LLP
15165 Ventura Boulevard, Suite 400
Sherman Oaks, CA 92403
T: (818) 788-8300
cpearson@pswlaw.com
dwarshaw@pswlaw.com
bpouya@pswlaw.com
mpearson@pswlaw.com

Melissa S. Weiner (MN #0387900)
PEARSON, SIMON & WARSHAW, LLP
800 LaSalle Avenue, Suite 2150
Minneapolis, MN 55402
T: (612) 389-0600
mweiner@pswlaw.com

Bruce L. Simon
Benjamin E. Shiftan
Neil Swartzberg
PEARSON, SIMON & WARSHAW, LLP
350 Sansome Street, Suite 680
San Francisco, CA 94104
T: (415) 433-9000
F: (415) 433-9008
bsimon@pswlaw.com
bshiftan@pswlaw.com
nswartzberg@pswlaw.com

Respectfully submitted,

/s/ Joseph C. Bourne

Joseph C. Bourne (MN #0389922)
W. Joseph Bruckner (MN #0147758)
Brian D. Clark (MN #0390069)
Arielle S. Wagner (MN #0398332)
Craig S. Davis (MN #0148192)
Simeon A. Morbey (MN #0391338)
Stephen M. Owen (MN # 0399370)
LOCKRIDGE GRINDAL NAUEN P.L.L.P.
100 Washington Avenue South, Suite 2200
Minneapolis, MN 55401
T: (612) 339-6900
jcbourne@locklaw.com
wjbruckner@locklaw.com
bdclark@locklaw.com
aswagner@locklaw.com
csdavis@locklaw.com
samorbey@locklaw.com
smowen@locklaw.com

Co-Lead Class Counsel for Direct Purchaser Plaintiffs

/s/ Shana E. Scarlett

Shana E. Scarlett
HAGENS BERMAN SOBOL SHAPIRO LLP
715 Hearst Avenue, Suite 202
Berkeley, CA 94710
T: (510) 725-3000
shanas@hbsslaw.com

Steve. W. Berman
Breanna Van Engelen
HAGENS BERMAN SOBOL SHAPIRO LLP
1301 2nd Avenue, Suite 2000
Seattle, WA 98101
T: (206) 623-7292
steve@hbsslaw.com
breannav@hbsslaw.com

/s/ Daniel E. Gustafson

Daniel E. Gustafson (#202241)
Daniel C. Hedlund (#258337)
Michelle J. Looby (#388166)
Joshua J. Rissman (#391500)
GUSTAFSON GLUEK PLLC
120 South 6th Street, Suite 2600
Minneapolis, MN 55402
T: (612) 333-8844
dgustafson@gustafsongluek.com
dhedlund@gustafsongluek.com
mlooby@gustafsongluek.com
jrissman@gustafsongluek.com

Co-Lead Counsel for Consumer Indirect Purchaser Plaintiffs

/s/ Shawn M. Raiter

Shawn M. Raiter (MN# 240424)
LARSON • KING, LLP
2800 Wells Fargo Place
30 East Seventh Street
St. Paul, MN 55101
T: (651) 312-6518
sraiter@larsonking.com

/s/ Blaine Finley

Jonathan W. Cuneo
Joel Davidow
Blaine Finley
CUNEO GILBERT & LADUCA, LLP
4725 Wisconsin Avenue NW, Suite 200
Washington, DC 20016
T: (202) 789-3960
jorc@cuneolaw.com
joel@cuneolaw.com
bfinley@cuneolaw.co

Co-Lead Counsel for Commercial and Institutional Indirect Purchaser Plaintiffs

/s/ Kyle G. Bates

Kyle G. Bates
HAUSFELD LLP
600 Montgomery Street, Suite 3200
San Francisco, CA 94111
T: (415) 633-1908
kbates@hausfled.com

Peter B. Schneider
SCHNEIDER WALLACE COTTRELL
KONECKY WOTKYNS LLP
3700 Buffalo Speedway, Suite 300
Houston, Texas 77098
T: (713) 338-2560
F: (415) 421-7105
pschneider@schneiderwallace.com

Todd M. Schneider
Matthew S. Weiler
SCHNEIDER WALLACE COTTRELL
KONECKY WOTKYNS LLP
2000 Powell St., Suite 1400
Emeryville, California 94608
T: (415) 421-7100
tschneider@schneiderwallace.com
mweiler@schneiderwallace.com

/s/ Robert N. Kaplan

Robert N. Kaplan
Matthew P. McCahill
Jason A. Uris
KAPLAN FOX & KILSHEIMER, LLP
850 Third Avenue, 14th Floor
New York, New York 10022
T: (212) 687-1980
rkaplan@kaplanfox.com
mmccahill@kaplanfox.com
juris@kaplanfox.com

Garrett W. Wotkyns
SCHNEIDER WALLACE COTTRELL
KONECKY WOTKYNS LLP
8501 N. Scottsdale Road, Suite 270
Scottsdale, Arizona 85253
T: (480) 428-0145
gwotkyns@schneiderwallace.com

Domingo Emanuelli-Hernández
Attorney General
Guarionex Díaz Martínez
Assistant Attorney General
Antitrust Division
Puerto Rico Department of Justice
P.O. Box 9020192
San Juan, Puerto Rico 00902-0192
T: (787) 721-2900, ext. 2600, 2601
F: (787) 721-3223
gdiaz@justicia.pr.gov

Counsel for the Commonwealth of Puerto Rico

/s/ Eric R. Lifvendahl

Eric R. Lifvendahl
Ryan F. Manion
L&G LAW GROUP, LLP
175 W. Jackson Blvd., Suite 950
Chicago, Illinois 60604
T: (312) 364-2500
elifvendahl@lgcounsel.com
rmanion@lgcounsel.com

/s/ Richard L. Coffman

Richard L. Coffman
THE COFFMAN LAW FIRM
3355 W. Alabama St., Suite 240
Houston, Texas 77098
T: (713) 528-6700
rcoffman@coffmanlawfirm.com

/s/ Bernard D. Marcus

Bernard D. Marcus
Moira Cain-Mannix
Brian C. Hill
Rachel A. Beckman
MARCUS & SHAPIRA LLP
One Oxford Center, 35th Floor
Pittsburgh, Pennsylvania 15219
T: (412) 471-3490
marcus@marcus-shapira.com
cain-mannix@marcus-shapira.com
hill@marcus-shapira.com
beckman@marcus-shapira.com

*Counsel for Direct Action Plaintiffs Action
Meat Distributors, Inc., Topco Associates,
LLC, Alex Lee, Inc./Merchants Distributors,
LLC, Associated Food Stores, Inc.,
Brookshire Grocery Company, Colorado
Boxed Beef Co., Certco, Inc., The Golub
Corporation, Nicholas & Co., PFD
Enterprises, Inc., SpartanNash Company,
Springfield Grocer Company, The
Distribution Group d/b/a Van Eerden
Foodservice Co., Troyer Foods, Inc., URM
Stores, Inc., and Giant Eagle, Inc.*

/s/ David C. Eddy

David C. Eddy
Dennis J. Lynch
Travis C. Wheeler
NEXSEN PRUET, LLC
1230 Main Street, Suite 700
Columbia, South Carolina 29201
T: (803) 771-8900
deddy@nexsenpruet.com
dlynch@nexsenpruet.com
twheeler@nexsenpruet.com

Counsel for Direct Action Plaintiffs Conagra Brands, Inc., Nestlé USA, Inc.; Nestlé Purina PetCare Co.; Compass Group USA, Inc.; and Howard B. Samuels, solely as Chapter 7 Trustee of the estate of Central Grocers, Inc.

/s/ David B. Esau

CARLTON FIELDS, P.A.
David B. Esau
Email: desau@carltonfields.com
Kristin A. Gore
Email: kgore@carltonfields.com
Garth T. Yearick
Email: gyearick@carltonfields.com
Amanda R. Jesteadt
Email: ajesteadt@carltonfields.com
525 Okeechobee Boulevard, Suite 1200
West Palm Beach, Florida 33401
Tel: (561) 659-7070
Fax: (561) 659-7368

Roger S. Kober

Email: rkober@carltonfields.com
405 Lexington Avenue, 36th Floor
New York, New York 10174-3699
Tel: (212) 785-2577
Fax: (212) 785-5203

Aaron A. Holman

Email: aholman@carltonfields.com
Chelsey J. Clements
Email: cclements@carltonfields.com
200 S. Orange Avenue, Suite 1000
Orlando, Florida 32801
Tel: (407) 849-0300
Fax: (407) 648-9099

CARLTON FIELDS, LLP

Scott L. Menger
Email: smenger@carltonfields.com
2029 Century Park East, Suite 1200
Los Angeles, California 90067
Tel: (310) 843-6300
Fax: (301) 843-6301

Counsel for Direct Action Plaintiffs Cheney Brothers, Inc.; Subway Protein Litigation Corp., as Litigation Trustee of the Subway® Protein Litigation Trust; Buffalo Wild Wings, Inc.; Jimmy John's Buying Group SPV, LLC; Sonic Industries Services Inc.; CKE Restaurants Holdings, Inc.; Wawa, Inc.; and Restaurant Services, Inc.

/s/ Scott E. Gant

Scott E. Gant
Michael S. Mitchell
Sarah L. Jones
BOIES SCHILLER FLEXNER LLP
1401 New York Ave., NW
Washington, DC 20005
T: 202-237-2727
sgant@bsfllp.com
mmitchell@bsfllp.com
sjones@bsfllp.com

Colleen Harrison
BOIES SCHILLER FLEXNER LLP
333 Main Street
Armonk, NY 10504
T: 914-749-8204
charrison@bsfllp.com

Counsel for Direct Action Plaintiffs Sysco Corporation and Amory Investments LLC

/s/ Patrick J. Ahern

Patrick J. Ahern
Theodore B. Bell
AHERN & ASSOCIATES, P.C.
Willoughby Tower
8 South Michigan Avenue, Suite 3600
Chicago, Illinois 60603
T: (312) 404-3760
patrick.ahern@ahernandassociatespc.com
theo.bell@ahernandassociatespc.com

Counsel for Direct Action Plaintiffs Winn-Dixie Stores, Inc.; Bi-Lo Holdings, LLC; and Kraft Heinz Foods Company

/s/ Philip J. Iovieno

Philip J. Iovieno
Nicholas A. Gravante, Jr.
Lawrence S. Brandman
Jack G. Stern
Gillian Groarke Burns
Mark A. Singer
Elizabeth R. Moore
CADWALADER, WICKERSHAM & TAFT LLP
200 Liberty Street
New York, NY 10281
T: (212) 504-6000
philip.iovieno@cwt.com
nicholas.gravante@cwt.com
lawrence.brandman@cwt.com
jack.stern@cwt.com
gillian.burns@cwt.com
mark.singer@cwt.com
elizabeth.moore@cwt.com

Counsel for Direct Action Plaintiffs Jetro Holdings, LLC and BJ's Wholesale Club, Inc. and Co-Counsel for Plaintiffs Kraft Heinz Foods Company; Winn-Dixie Stores, Inc.; and Bi-Lo Holdings, LLC

By: /s/ David P. Germaine

Paul E. Slater
Joseph M. Vanek
David P. Germaine
Phillip F. Cramer
Alberto Rodriguez
Jeffrey H. Bergman
SPERLING & SLATER, P.C.
55 West Monroe Street, Suite 3200
Chicago, Illinois 60603
Tel: (312) 641-3200
Fax: (312) 641-6492
pes@sperling-law.com
jvanek@sperling-law.com
dgermaine@sperling-law.com
pcramer@sperling-law.com
arodriguez@sperling-law.com
jbergman@sperling-law.com

Christina Lopez
SHERRARD ROE VOIGT & HARBISON, PLC
150 3rd Avenue South, Suite 1100
Nashville, Tennessee 37201
Phone: (615) 742-4200
clopez@srvhlaw.com

Counsel for Direct Action Plaintiffs Associated Grocers of the South, Inc., Dollar General Corporation, Dolgencorp, LLC, Meijer, Inc., Meijer Distribution, Inc., Publix Super Markets, Inc., Raley's, United Natural Foods, Inc., Supervalu, Inc., Associated Grocers of Florida, Inc., Unified Grocers, Inc., Tony's Fine Foods, and Wakefern Food Co

By: /s/ Samuel J. Randall

Richard Alan Arnold, Esquire

William J. Blechman, Esquire

Kevin J. Murray, Esquire

Douglas H. Patton, Esquire

Samuel J. Randall, Esquire

Michael A. Ponzoli, Esquire

KENNY NACHWALTER, P.A.

1441 Brickell Avenue, Suite 1100

Miami, Florida 33131

Tel: (305) 373-1000

Fax: (305) 372-1861

E-mail: rarnold@knpa.com

wblechman@knpa.com

kmurray@knpa.com

dpatton@knpa.com

srandall@knpa.com

mponzoli@knpa.com

*Counsel for Direct Action Plaintiffs The
Kroger Co., Albertsons Companies, Inc., Hy-
Vee, Inc., Save Mart Supermarkets, and US
Foods, Inc.*

/s/ Tiffany Rider Rohrbaugh
Rachel J. Adcox (*pro hac vice*)
Tiffany Rider Rohrbaugh (*pro hac vice*)
Lindsey Strang Aberg (*pro hac vice*)
Brandon Boxbaum (*pro hac vice*)
Allison Vissichelli (*pro hac vice*)
Keith Holleran (*pro hac vice*)
AXINN, VELTROP & HARKRIDER LLP
1901 L Street NW
Washington, DC 20036
(202) 912-4700
radcox@axinn.com
trider@axinn.com
lstrang@axinn.com
bboxbaum@axinn.com
avissichelli@axinn.com
kholleran@axinn.com

Jarod Taylor (*pro hac vice*)
AXINN, VELTROP & HARKRIDER LLP
90 State House Square
Hartford, CT 06103
(860) 275-8109
jtaylor@axinn.com

Kail Jethmalani (*pro hac vice*)
Craig M. Reiser (*pro hac vice*)
Andrea Rivers (*pro hac vice*)
Victoria J. Lu (*pro hac vice*)
AXINN, VELTROP & HARKRIDER LLP
114 West 47th Street
New York, NY 10036
(212) 728-2200
kjethmalani@axinn.com
creiser@axinn.com
arivers@axinn.com
vlu@axinn.com

David P. Graham (#0185462)
DYKEMA GOSSETT PLLC
4000 Wells Fargo Center
90 South Seventh Street

	<p>Minneapolis, MN 55402 (612) 486-1521 dgraham@dykema.com</p> <p><i>Counsel for Tyson Foods, Inc., Tyson Prepared Foods, Inc. and Tyson Fresh Meats, Inc.</i></p>
<p><u>/s/ Mark L. Johnson</u></p> <p>Mark L. Johnson (#0345520) Davida S. McGhee (#0400175) GREENE ESPEL PLLP 222 South Ninth Street, Suite 2200 Minneapolis, MN 55402 (612) 373-0830 mjohnson@greenespel.com dwilliams@greenespel.com</p>	<p><u>/s/ Craig. S. Coleman</u></p> <p>Richard A. Duncan (#0192983) Aaron D. Van Oort (#0315539) Craig S. Coleman (#0325491) Emily E. Chow (#0388239) Isaac B. Hall (#0395398) FAEGRE DRINKER BIDDLE & REATH LLP 2200 Wells Fargo Center 90 South Seventh Street Minneapolis, MN 55402-3901 (612) 766-7000 richard.duncan@faegredrinker.com aaron.vanoort@faegredrinker.com craig.coleman@faegredrinker.com emily.chow@faegredrinker.com isaac.hall@faegredrinker.com</p>
<p>Daniel Laytin, P.C. (<i>pro hac vice</i>) Christa Cottrell, P.C. (<i>pro hac vice</i>) KIRKLAND & ELLIS LLP 300 North LaSalle Chicago, IL 60654 (312) 861-2000 daniel.laytin@kirkland.com christa.cottrell@kirkland.com</p>	<p>Jacob D. Bylund (<i>pro hac vice</i>) Stephanie A. Koltookian (<i>pro hac vice</i>) Robert C. Gallup (#0399100) FAEGRE DRINKER BIDDLE & REATH LLP 801 Grand Ave., 33rd Floor Des Moines, IA 50309 (515) 248-9000 jacob.bylund@faegredrinker.com stephanie.koltookian@faegredrinker.com robert.gallup@faegredrinker.com</p>
<p><i>Counsel for Clemens Food Group, LLC and The Clemens Family Corporation</i></p>	<p>Jonathan H. Todt (<i>pro hac vice</i>) FAEGRE DRINKER BIDDLE & REATH LLP 1500 K Street NW, Suite 1100 Washington, DC 20005</p>

	<p>(202) 842-8800 jonathan.todt@faegredrinker.com</p> <p>John S. Yi (<i>pro hac vice</i>) FAEGRE DRINKER BIDDLE & REATH LLP One Logan Square, Suite 2200 Philadelphia, PA 19103 (215) 988-2700 john.yi@faegredrinker.com</p> <p><i>Counsel for Hormel Foods Corporation</i></p>
<p><u>/s/ Peter H. Walsh</u></p> <p>Peter H. Walsh (#0388672) HOGAN LOVELLS US LLP 80 South Eighth Street, Suite 1225 Minneapolis, MN 55402 (612) 402-3000 peter.walsh@hoganlovells.com</p> <p>William L. Monts (<i>pro hac vice</i>) Justin W. Bernick (<i>pro hac vice</i>) HOGAN LOVELLS US LLP Columbia Square 555 Thirteenth Street, NW Washington, D.C. 20004 (202) 637-5600 william.monts@hoganlovells.com justin.bernick@hoganlovells.com</p> <p><i>Counsel for Agri Stats, Inc.</i></p>	<p><u>/s/ Christopher A. Smith</u></p> <p>Aaron Chapin (#0386606) Christopher A. Smith (<i>pro hac vice</i>) Tessa K. Jacob (<i>pro hac vice</i>) A. James Spung (<i>pro hac vice</i>) Jason Husgen (<i>pro hac vice</i>) Sarah L. Zimmerman (MDL registered) Kate Ledden (MDL registered) Tanner Cook (MDL registered) HUSCH BLACKWELL LLP 190 Carondelet Plaza, Ste 600 St. Louis, MO 63105 Telephone: (314) 480-1500 aaron.chapin@huschblackwell.com chris.smith@huschblackwell.com tessa.jacob@huschblackwell.com james.spung@huschblackwell.com jason.husgen@huschblackwell.com sarah.zimmerman@huschblackwell.com kate.ledden@huschblackwell.com tanner.cook@huschblackwell.com</p> <p><i>Counsel for Triumph Foods, LLC</i></p>
<p><u>/s/ William L. Greene</u></p> <p>William L. Greene (#0198730) Peter J. Schwingler (#0388909) William D. Thomson (#0396743) STINSON LLP 50 South Sixth Street, Suite 2600 Minneapolis, MN 55402</p>	<p><u>/s/ Jessica J. Nelson</u></p> <p>Donald G. Heeman (#0286023) Jessica J. Nelson (#0347358) Randi J. Winter (#0391354) SPENCER FANE LLP 100 South Fifth Street, Suite 1900 Minneapolis, MN 55402-4206</p>

<p>(612) 335-1500 william.greene@stinson.com peter.schwingler@stinson.com william.thomson@stinson.com</p> <p>J. Nicci Warr (<i>pro hac vice</i>) STINSON LLP 7700 Forsyth Blvd., Suite 1100 St. Louis, MO 63105 (314) 863-0800 nicci.warr@stinson.com</p> <p><i>Counsel for Seaboard Foods LLC and Seaboard Corporation</i></p>	<p>(612) 268-7000 dheeman@spencerfane.com jnelson@spencerfane.com rwinter@spencerfane.com</p> <p>Stephen R. Neuwirth (<i>pro hac vice</i>) Michael B. Carlinsky (<i>pro hac vice</i>) Sami H. Rashid (<i>pro hac vice</i>) Richard T. Vagas (<i>pro hac vice</i>) David B. Adler (<i>pro hac vice</i>) QUINN EMANUEL URQUHART & SULLIVAN, LLP 51 Madison Avenue, 22nd Floor New York, NY 10010 (212) 849-7000 stephenneuwirth@quinnmanuel.com michaelcarlinsky@quinnmanuel.com samirashid@quinnmanuel.com richardvagas@quinnmanuel.com davidadler@quinnmanuel.com</p> <p><i>Counsel for JBS USA Food Company</i></p>
<p><u>/s/ John A. Cotter</u></p> <p>John A. Cotter (#0134296) John A. Kvinge (#0392303) LARKIN HOFFMAN DALY & LINDGREN LTD. 8300 Norman Center Drive, Suite 1000 Minneapolis, MN 55427-1060 (952) 835-3800 jcotter@larkinhoffman.com jkvinge@larkinhoffman.com</p> <p>Richard Parker (<i>pro hac vice</i>) Josh Lipton (<i>pro hac vice</i>) GIBSON, DUNN & CRUTCHER, LLP 1050 Connecticut Avenue, N.W. Washington, D.C. 20036-5306 (202) 955-8500 rparker@gibsondunn.com jlipton@gibsondunn.com</p>	

Brian Robison (*pro hac vice*)
BROWN FOX PLLC
6303 Cowboys Way, Suite 450
Frisco, TX 75034
(972) 707-1809
brian@brownfoxlaw.com

Counsel for Smithfield Foods, Inc.